

REMARKS

This Application has been carefully reviewed in light of the Office Action dated January 28, 2008. Claims 1-43 are pending and stand rejected by the Examiner. Applicants amend Claims 15, 18-20, 24-25, and 38 to correct typographical errors. For at least the reasons set forth below, Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

Claims 1, 2, 14, 15, 16, 28, 29, 30, 42, and 43 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2003/0169870 issued to Stanford (*"Stanford"*). Applicants respectfully traverse.

Claim 1 recites:

A method for routing calls of an automatic call distributor system, comprising:

receiving a call from a caller requesting connection with one of a plurality of agents;

providing the caller with an option to commit to a predetermined time limit for the call time; and

assigning a higher priority to the call if the caller commits to the predetermined time limit.

Stanford fails to recite, expressly or inherently, every limitation of Claim 1. For example, *Stanford* fails to disclose "providing the caller with an option to commit to a predetermined time limit for the call time." The Examiner asserts that *Stanford* discloses this limitation at paragraph 0027, lines 5-8, and paragraph 0029, lines 8-9. The cited portion of the reference indicates that "[c]all database 170 may contain logging information that records, for example, duration of a call, withholding/waiting time of a caller, identity of the agent fielding the call, caller ID information relating to the call, and other relevant information" that "the client 101 may emulate telephone functions, such as voicemail, call recording, speed dial, and conferencing." *Stanford*, par. 0027, 0029. The cited portion of *Stanford* does not disclose, or even suggest, "providing the caller with an option to commit to a predetermined time limit." (emphasis added). Rather, *Stanford* merely discloses that call information, such as the duration of a call, may be recorded. Accordingly, *Stanford* fails to disclose "providing the caller with an option to commit to a predetermined time limit" as recited by Claim 1.

Additionally, *Stanford* fails to disclose “assigning a higher priority to the call if the caller commits to the predetermined time limit.” The Examiner alleges that *Stanford* discloses this limitation at paragraph 0042, lines 3-6, and paragraph 0050. The cited portion of *Stanford* discloses that “[t]he call priority may be set before or after the call reaches the ACD system, such as based on the number called (e.g., an emergency number) or on caller ID information.” *Stanford*, par. 0042. The cited portion also indicates that:

Routing mechanism 230 may route a call on the basis of other factors, such as urgency and/or fairness factors. Override criteria may also affect routing. Override criteria may include account number associated with the caller, caller ID information, and exceptions. For instance, a call may be routed to a particular agent based on a specific measure, such as caller ID, when the caller has an established relationship with the particular agent.

Stanford, par. 0050. These portions of *Stanford* merely disclose the ability to set a priority for a call based the number called or the caller’s identity, and the ability to route a call based on other factors such as urgency or fairness. The cited portion of *Stanford*, however, fails to disclose “assigning a higher priority to a call if the caller commits to the predetermined time limit” (emphasis added) as recited by Claim 1.

Consequently, *Stanford* fails to recite, expressly or inherently, every element of Claim 1. Claim 1 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope, Claims 15, 29, and 43 include elements that, for reasons substantially similar to those discussed above with respect to Claim 1, are missing from *Stanford*. For at least this reason, Claims 15, 29, and 43 are allowable. Applicants respectfully request reconsideration and allowance of Claims 15, 29, and 43, together with their respective dependents.

Section 103 Rejections

Claims 3, 4, 5, 10, 17, 18, 19, 24, 31, 32, 33, and 38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Stanford* in view of U.S. Patent No. 5,721,770 issued to Kohler (“*Kohler*”). Applicants respectfully traverse. Claims 3-5 and 10 depend from Claim 1. Claims 17-19 and 24 depend from Claim 15. Claims 31-33 and 38 depend

from Claim 29. For the reasons set forth above, Claims 1, 15, and 29 are each allowable. Thus, for at least this reason, Claims 3, 4, 5, 10, 17, 18, 19, 24, 31, 32, 33, and 38 are also allowable. Applicants respectfully request reconsideration and allowance of Claims 3, 4, 5, 10, 17, 18, 19, 24, 31, 32, 33, and 38.

Claims 6-9, 11, 12, 13, 20-23, 25, 26, 27, 34-37, 39, 40, and 41 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Stanford* in view of *Kohbler* and further in view of U.S. Patent No. 5,214,688 issued to Szlam, et al. ("*Szlam*"). Applicants respectfully traverse. Claims 6-9 and 11-13 depend from Claim 1. Claims 20-23 and 25-27 depend from Claim 15. Claims 34-37 and 39-41 depend from Claim 29. For the reasons set forth above, Claims 1, 15, and 29 are each allowable. Thus, for at least these reasons, Claims 6-9, 11, 12, 13, 20-23, 25, 26, 27, 34-37, 39, 40, and 41 are also allowable. Applicants respectfully request reconsideration and allowance of Claims 6-9, 11, 12, 13, 20-23, 25, 26, 27, 34-37, 39, 40, and 41.


Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any required fees or to credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: April 28, 2008

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